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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

JERRY D. OLDS  
State Engineer/Division Director

#### STATE OF UTAH

#### DIVISION OF WATER RIGHTS

DIVISION OF WATER RIGHTS,  
JERRY D. OLDS  
STATE ENGINEER,

Claimant

v.

Oak Creek Irrigation Company

Respondents.

#### MEASURING DEVICE NOTICE

No. SEAA 1220  
Supplemental

Water Right No. 65-3035

TO: Oak Creek Irrigation Company:

As a follow up to compliance and distribution orders, representatives from the State Engineers Office, Division of Water Rights, inspected the Oak Creek diversion as a tributary stream to the San Pitch River System. Specifically the inspection revealed the need for an operable measuring device to monitor flows associated with this diversion. This condition can be easily satisfied by installation of a rectangular weir plate in the diversion structure along with a staff gauge.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

**"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. Such controlling works or measuring device shall be of such design as the state engineer may approve and so that the same can be locked and kept set by him or his assistants... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such headgates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement, ...**

**Therefore, you are hereby notified that the diversion must be equipped with a functional and accurate measuring device and staff gauge. This may require the installation of a rectangular weir in the existing diversion to allow the structure to measure water. These improvements must be completed prior to April 1, 2009.**

SCANNED



TO  
SEAA 1220

Subject: OAK CREEK IRRIGATION, MEASURING DEVICE REQUIRED

As the water user and manager for the subject diversion, you are responsible for installing and maintaining suitable diversion structures and associated equipment that allows for regulation and measurement of all water through your diversion.

The diversion will be inspected for compliance. If it is not in compliance, an Order to Cease the Use of Water will be issued by the State Engineer. The diversion will be tagged, closed, and locked by the water commissioner. Removing the tag or tampering with the locked headgate will constitute a violation and enforcement proceedings will be commenced according to sections 73-2-25 and 73-2-26.

Once the final repairs are completed, please contact the Upper San Pitch Water Commissioner, **Larry Rawlings at (435) 469-1302 or (435) 436-8522**, to conduct a final inspection. Once the work is done to his/our satisfaction, he will report to the State Engineer and the subject agency action can be formally concluded. Your efforts to comply with the order are strongly encouraged to avoid enforcement actions.

To provide details on the Oak Creek diversion right: Water Right 65-3035 is limited to 24.5 cfs during high water and to 10.7 cfs during normal water, during the irrigation season from April 1 to October 15. Under Water Right 65-3036 there is 3.0 cfs from October 15 to April 1. The actual amount diverted could be less than the "normal water" during dry years and is also subject to regulation on a priority basis when necessary. The ability to measure these amounts is required by Section 73-5-4 of the Utah Code Annotated, 1953 as amended.

Thank you for your cooperation in attending to this matter in a timely fashion. If you have any questions concerning this notice, please contact Mike Silva, Distribution Engineer by phone at (801) 538-7430 or by e-mail at [MikeSilva@Utah.Gov](mailto:MikeSilva@Utah.Gov) or Kirk Forbush, Regional Engineer, by phone at (435) 896-4429 or by e-mail at [KirkForbush@utah.gov](mailto:KirkForbush@utah.gov).

Dated this 27<sup>th</sup> day of June 2008



Mike Silva.  
Distribution Engineer

cc: Distribution File  
Kirk Forbush, Regional Engineer  
Larry Rawlins Water Commissioner: PO Box 508, Moroni UT 84646